

Jonathan M. Cohen (SBN 168207)  
Dylan B. Carp (SBN 196846)  
KIRKPATRICK & LOCKHART NICHOLSON GRAHAM LLP  
Four Embarcadero Center, 10<sup>th</sup> Floor  
San Francisco, CA 94111  
Telephone: (415) 249-1000  
Facsimile: (415) 249-1001  
E-Mail: jcohen@kling.com  
E-Mail dcarp@kling.com

Attorneys for Defendant  
FEDEX KINKO'S OFFICE AND PRINT SERVICES, INC.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO/OAKLAND DIVISION

STEPHEN WHITEWAY, individually and on  
behalf of all others similarly situated,

*Plaintiffs,*

*v.*

FEDEX KINKO'S OFFICE AND PRINT  
SERVICES, INC., and DOES 1 through 25,  
inclusive,

*Defendants.*

Case No. C 05-02320 SBA (JCS)

**STIPULATION AND [PROPOSED] ORDER  
TO CONTINUE MEET AND CONFER TO  
MARCH 24, 2006**

Date Action Filed: May 19, 2005

Trial Date: Not set

The parties stipulate as follows:

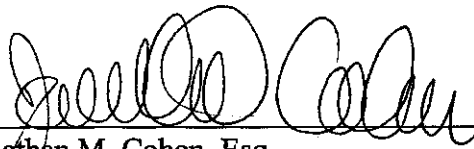
Upon receipt of Magistrate Judge Spero's order requiring that trial counsel meet and confer on March 17, 2006 as to Plaintiff's motion to compel, trial counsel for defendant FedEx Kinko's identified a conflict due to a previously scheduled mediation.

Defense counsel immediately notified Plaintiff's counsel, Scott Cole, and advised him of the conflict. Jonathan Cohen asked for Scott Cole's availability during the following week, since the parties will be conducted a deposition in San Diego during the week of March 13 and therefore would be unable to advance the hearing.


Mr. Cole's assistant provided two alternative dates during the week of March 20th, only one of which (Friday, March 24th) was available on defense counsel's calendar.

1 Defense counsel's assistant informed Magistrate Judge Spero's clerk of the parties agreement  
2 to continue the meet and confer to March 24th. She requested that the parties electronically file a  
3 stipulation.

4  
5 Dated: 3/10/06

  
Jonathan M. Cohen, Esq.  
Dylan B. Carp, Esq.  
KIRKPATRICK & LOCKHART NICHOLSON GRAHAM LLP  
Four Embarcadero Center, 10th Floor  
San Francisco, CA 94111  
Counsel for Defendant  
FEDEX KINKO'S OFFICE AND PRINT SERVICES, INC.

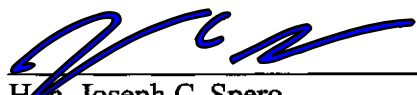
10  
11 Dated: 3/10/06

  
Scott Edward Cole, Esq.  
Matthew R. Bainer, Esq.  
Clyde H. Charlton, Esq.  
SCOTT COLE & ASSOCIATES, APC  
1970 Broadway, Suite 950  
Oakland, CA 94612  
Counsel For Plaintiff  
STEPHEN WHITEWAY

17  
18  
19 **[PROPOSED] ORDER**

20 IT IS ORDERED that the meet and confer set for March 17, 2006 will be rescheduled to  
21 March 24, 2006, at 9:30 a.m., in Courtroom A, 15<sup>th</sup> Floor, Federal Building, 450 Golden Gate  
22 Avenue, San Francisco, California.

23  
24  
25 Dated: March 17, 2006

  
Hon. Joseph C. Spero  
U.S. Magistrate Judge